

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA *et al.*  
*ex rel.* ATUL JAIN,

*Plaintiffs,*

v.

DIOPSYS, INC., et al.

*Defendants.*

HON. ESTHER SALAS

Civil Action No. 21-18151 (ES) (LDW)

**FILED *EX PARTE* & UNDER SEAL**

[PROPOSED]  
ORDER

The United States of America, by its attorney, John Giordano, United States Attorney for the District of New Jersey (David V. Simunovich, Assistant U.S. Attorney, appearing) having filed its Notice of Election to Intervene in Part for Purposes of Effectuating Settlement and to Decline to Intervene in Part (hereinafter, the "Notice of Election"), pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the Court rules as follows:

IT IS on this 26<sup>th</sup> day of March, 2025:

**ORDERED** that only the Relator's Complaint, the United States' Notice of Election, and this Order be unsealed and served upon the Defendants by the Relator, and that all other contents of the Court's file in this matter (including, but not limited to, any applications filed by the United States to extend the seal and intervention deadline) shall remain under seal and not be made public or served upon the Defendants; and it is further

**ORDERED** that that seal shall be lifted on all matters occurring in this action after the date of this Order; and it is further

**ORDERED** that, with respect to Relator, this action is dismissed with prejudice as against Defendant Diopsys, Inc.; and it is further

**ORDERED** that, with respect to the United States, this action is dismissed with prejudice as to the Covered Conduct, as defined in the Notice of Election, as to Defendant Diopsys Inc., and without prejudice as to all other claims and all other Defendants; and it is further

**ORDERED** that the United States' Notice of Election and this Order shall have no effect on the claims that Relator has asserted on behalf of the States of California, Texas, Florida, Ohio, North Carolina, Oklahoma, New York, Hawaii, Maryland, and New Jersey; and it is further

**ORDERED** that Relator may maintain the instant action in the name of the United States as against all named Defendants other than Diopsys, Inc.; provided, however, that any claims against any Defendant other than Diopsys Inc. may be dismissed only if the Court and the Attorney General of the United States give written consent to the dismissal and their reasons for consenting; and it is further

**ORDERED** that pursuant to 31 U.S.C. § 3730(c)(3), all subsequent pleadings, including supporting memoranda, filed in this action must be served upon the United States; and it is further

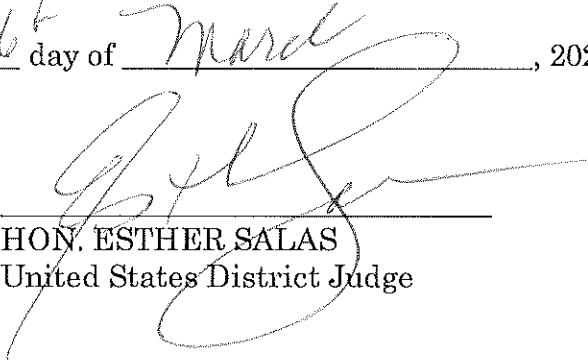
**ORDERED** that the United States may order any deposition transcript or intervene in this action, for good cause, at any time; and it is further

**ORDERED** that all Orders of this Court in this action shall be sent to the United States; and it is further

**ORDERED** that should either the Relator or the Defendant propose that this action be dismissed, settled, or otherwise discontinued, they will solicit the written consent of the United States before the Court rules or grants its approval; and it is further

**ORDERED** the Clerk of the Court shall provide an executed copy of this Order to counsel for the Government and counsel for the Relator.

**IT IS SO ORDERED**, this 26<sup>th</sup> day of March, 2025.

  
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HON. ESTHER SALAS  
United States District Judge